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DEPT FOR DRL, EAP/CM

E.O. 12958: DECL: 08/18/2031  
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SUBJECT: HUMAN RIGHTS: CHEN GUANGCHENG'S LAWYERS DETAINED

REF: BEIJING 16960

CLASSIFIED BY: CLASSIFIED BY POLITICAL INTERNAL UNIT CHIEF SUSAN  
THORNTON. REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY. LEGAL ACTIVIST CHEN GUANGCHENG'S DEFENSE LAWYERS XU ZHIYONG AND LI FANPING WERE DETAINED AUGUST 18 PRIOR TO CHEN'S TRIAL IN SHANDONG'S YINAN COUNTY, WHICH BEGAN AT 2:30 P.M. POLICE BARRED CHEN'S WIFE AND MOTHER FROM ATTENDING CHEN'S TRIAL, BUT CHEN'S OLDER BROTHER WAS TO HAVE BEEN PERMITTED TO REPRESENT THE FAMILY AT THE TRIAL. SHANDONG PROVINCE AUTHORITIES DENIED THE EMBASSY'S REQUEST TO ATTEND THE TRIAL. THE DCM RAISED THE LAWYERS' DETENTIONS WITH MFA NORTH AMERICA DIRECTOR GENERAL LIU JIEYI ON AUGUST 18. RIGHTS LAWYERS ARE DESCRIBING THE HANDLING OF CHEN'S CASE AS A GRAVE SETBACK FOR RULE OF LAW IN CHINA. END SUMMARY.

¶2. (C) BEIJING-BASED DEMOCRACY ACTIVIST HU JIA AND OTHER SOURCES REPORTED AUGUST 18 THAT CHEN GUANGCHENG'S DEFENSE LAWYERS XU ZHIYONG AND LI FANPING HAVE BEEN DETAINED IN SHANDONG PROVINCE. (NOTE: XU ZHIYONG IS A LOCAL PEOPLE'S CONGRESS REPRESENTATIVE IN BEIJING AND FORMER YALE FELLOW. END NOTE.) HU SAID XU WAS PLACED IN CUSTODY AT THE YINAN COUNTY POLICE DETENTION CENTER ON THE EVENING OF AUGUST 17, AFTER THUGS ACCUSED HIM OF STEALING ANOTHER PERSON'S BAG. COLLEAGUES SAY THE CHARGE IS INCREDIBLE AND HAVE ASKED POLICE TO RELEASE XU. JIANG TIANYONG, ANOTHER OF CHEN'S DEFENSE LAWYERS, TOLD POLOFF HE IS BEING FOLLOWED BY POLICE IN BEIJING. CHEN'S WIFE, YUAN WEIQING, SAYS SHE HAS HEARD OTHER LAWYERS ARE BEING HELD AT A GUESTHOUSE PENDING CONCLUSION OF THE TRIAL, THOUGH SHE COULD NOT CONFIRM WHO OR HOW MANY.

¶3. (C) YUAN WEIQING ALSO SAID SHE AND CHEN'S MOTHER REMAIN UNDER HOUSE ARREST, RESTRICTED FROM LEAVING HOME TO ATTEND THE TRIAL. OFFICIALS EARLIER SAID CHEN GUANGCHENG'S OLDER BROTHER, CHEN GUANGFU, COULD REPRESENT THE FAMILY AT THE TRIAL, BUT FAMILY MEMBERS WERE UNABLE TO CONFIRM WHETHER HE WAS ACTUALLY PERMITTED TO ATTEND. ACCORDING TO HU, THERE WAS AN UNUSUALLY HEAVY POLICE PRESENCE IN THE AREA SURROUNDING THE YINAN COURTHOUSE, INCLUDING MANY POLICE VEHICLES WITHOUT THE NORMAL POLICE LICENSE PLATES.

¶4. (C) ON AUGUST 16, THE EMBASSY REQUESTED PERMISSION TO ATTEND AND OBSERVE CHEN'S AUGUST 18 TRIAL. THE SHANDONG PROVINCIAL FOREIGN AFFAIRS OFFICE DENIED THE EMBASSY'S REQUEST ON AUGUST 17, CLAIMING THAT FOREIGNERS ARE NOT ALLOWED TO ATTEND JUDICIAL

PROCEEDINGS INVOLVING CHINESE CITIZENS.

15. (C) HU JIA SAID THAT LAWYER GAO ZHISHENG, WHO LAST MONTH ORGANIZED LAWYERS TO PROTEST AT CHENS POSTPONED JULY 20 HEARING, REMAINS IN DETENTION ELSEWHERE IN SHANDONG PROVINCE (REFTEL). GAO WAS DETAINED ON AUGUST 15. ACCORDING TO HU, THE BEIJING MUNICIPAL BUREAU OF PUBLIC SECURITY ANNOUNCED ON AUGUST 18 THAT GAO IS SUSPECTED OF INVOLVEMENT IN UNSPECIFIED CRIMINAL ACTIVITY. IT IS NOT CLEAR WHETHER GAO'S DETENTION WAS COORDINATED WITH THE DETENTIONS OF XU AND LI.

16. (C) THE DCM STRONGLY PROTESTED THE DETENTIONS OF CHEN'S ATTORNEYS TO MFA NORTH AMERICA AND OCEANIAN AFFAIRS DIRECTOR GENERAL LIU JIEYI ON AUGUST 18. IN A SEPARATE AUGUST 18 MEETING, POLOFF RAISED THE LAWYERS' DETENTIONS WITH MFA INTERNATIONAL ORGANIZATIONS HUMAN RIGHTS DIVISION OFFICER XU JING AND PROTESTED LACK OF ACCESS TO CHEN'S TRIAL PROCEEDINGS. ACKNOWLEDGING THAT THE CASE WOULD GENERATE WIDESPREAD AND NEGATIVE MEDIA COVERAGE OUTSIDE CHINA, XU SAID THE MFA WOULD LOOK INTO THE CASE AND PROVIDE AN OFFICIAL RESPONSE CLARIFYING THE "TRUE DETAILS."

17. (C) COMMENT: THIS IS THE MOST SWEEPING ROUNDUP OF RIGHTS LAWYERS IN CHINA IN RECENT MEMORY. LOCAL SHANDONG AUTHORITIES APPEAR TO BE ACTING, AT LEAST IN PART, IN CONCERT WITH BEIJING TO PREVENT CHEN'S LAWYERS AND FAMILY FROM ATTENDING HIS TRIAL AND, IN THE CASES OF XU AND GAO, TO THREATEN RETALIATORY CRIMINAL PROCEEDINGS. CHINESE RIGHTS LAWYERS ARE DESCRIBING THE HANDLING OF CHEN'S CASE AND THE DETENTIONS AS A GRAVE SETBACK FOR THE RULE OF LAW IN CHINA. END COMMENT.  
SEDNEY